

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WARREN EASTERLING,

Plaintiff,

:

Case No. 3:14-cv-226

-vs-

District Judge Walter H. Rice
Magistrate Judge Michael R. Merz

:

JUDGE DALE CRAWFORD,

Defendant.

**REPORT AND RECOMMENDATIONS ON SECOND MOTION FOR
RELIEF FROM JUDGMENT**

This case is before the Court upon Plaintiff's Motion for Relief from Judgment (ECF No. 39). As a post-judgment motion, this Motion is deemed referred under 28 U.S.C. § 636(b)(3) for report and recommendations.

The instant Motion makes the same claim Mr. Easterling has made in numerous other cases in this Court and in his prior motion for relief from judgment, to wit, that the Rooker-Feldman doctrine is "trumped" by 28 U.S.C. § 1331 and the Supremacy Clause. As has been explained to Mr. Easterling many times, that is not the law. Nor has the law in this regard changed since his last filing.

The Motion should be DENIED.

September 22, 2015.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).